

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

JANE ROE,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Civil No. 1:20-cv-00066-WGY
	)	
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
	)	
	)	

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**PLAINTIFF’S AMENDED MOTION TO STRIKE  
DEFENDANTS’ SUMMARY JUDGMENT RESPONSES**

Plaintiff Jane Roe (“Roe”), by and through her attorney, hereby moves to strike defendants’ responses in opposition to her motions for partial summary judgment, including their memoranda of law, declarations, and exhibits.

As set forth in the accompanying memorandum of law, ECF No. 87-1, defendants’ responses (including the individual capacity defendants’ forthcoming response) should be disregarded because defendants failed to properly address Roe’s factual assertions, or support their own factual assertions, as required under Fed. R. Civ. P. 56(e). Specifically, defendants’ summary judgment responses (1) rely on materials they did not disclose in discovery, (2) are untimely, and (3) result in prejudice to Roe. For these reasons, the Court should strike defendants’ responses, deem Roe’s statement of material facts admitted, and grant her summary judgment because her “motion[s] and supporting materials—including the facts considered undisputed—show that [she] is entitled to it.” *Id.*

Prior to filing this Amended Motion to Strike, Roe's counsel conferred with Defendants' counsel. Defendants' Counsel stated that Defendants oppose Plaintiff's Motion to Strike and Amended Motion to Strike.

This the 19th day of October, 2020.

Respectfully Submitted,

/s/ Cooper Strickland  
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Counsel for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of October, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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